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JUL 23 2007

**OFFICE OF PETITIONS**

In re Application of :  
Hannigan, et al. : DECISION ON APPLICATION  
Application No. 09/709,255 : FOR PATENT TERM ADJUSTMENT  
Filed: November 8, 2000 :  
Atty. Dkt. No.: P0243 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT (Request for Reconsideration of PTO's Patent Term Adjustment Determination) (37 CFR 1.705(b)," filed January 9, 2007.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **DISMISSED AS UNTIMELY.**

Applicants request that the Determination of Patent Term Adjustment be corrected from zero days, as indicated on the Determination of Patent Term Adjustment mailed September 6, 2006, to an adjustment of 54 days.

In accordance with 37 CFR 1.705(b), an application for patent term adjustment under this section must be filed no later than the payment of the issue fee but may not be filed earlier than the date of mailing of the notice of Allowance. The issue fee was submitted in the instant application on December 6, 2006. The instant application for patent term adjustment was filed January 9, 2007. Accordingly, the application for patent term adjustment is subject to dismissal, having been untimely submitted.

Accordingly, at the time of allowance, the application is entitled to an adjustment of zero days as indicated on the Determination of Patent Term Adjustment.

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

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